

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201810160	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/12/2018 4:30 PM	Location of Incident: 111th Precinct stationhouse	Precinct: 111	18 Mo. SOL 3/12/2020	EO SOL 3/12/2020	
Date/Time CV Reported Thu, 12/06/2018 2:40 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/06/2018 2:40 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Stephen Mccainjohn	1499	947110	111 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 John Reinle	02318	933241	111 DET
2. POM Jason Dowdell	24232	950347	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Stephen Mccainjohn	Abuse: Detective Stephen Mccainjohn detained § 87(2)(b)	
B.DT3 Stephen Mccainjohn	Abuse: Detective Stephen Mccainjohn questioned § 87(2)(b)	
C.DT3 Stephen Mccainjohn	Abuse: Detective Stephen Mccainjohn threatened to arrest § 87(2)(b)	

### Case Summary

On December 6, 2018, § 87(2)(b) filed this complaint with the CCRB by phone, on behalf of his client, § 87(2)(b).

On September 12, 2018, at approximately 4:30 PM, § 87(2)(b) went to the 111<sup>th</sup> Precinct stationhouse to speak with Detective Stephen McCain-John of the 111<sup>th</sup> Precinct Detective Squad regarding an investigation in to package theft at her apartment building. While at the stationhouse, Det. McCain-John allegedly detained (**Allegation A: Abuse of Authority**, § 87(2)(g)), questioned (**Allegation B: Abuse of Authority**, § 87(2)(g)), and threatened to arrest § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)).

No arrests or summons resulted from this incident. There was no known video footage of the incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Stephen McCain-John detained** § 87(2)(b)

**Allegation (B) Abuse of Authority: Detective Stephen McCain-John questioned** § 87(2)(b)

**Allegation (C) Abuse of Authority: Detective Stephen McCain-John threatened to arrest**

§ 87(2)(b)

It is undisputed that prior to this incident, § 87(2)(b) reached out to Det. McCain-John on the advice of her neighbor to report packages stolen from her apartment building at § 87(2)(b) in Queens. On September 9, 2018, Det. McCain-John attempted to interview § 87(2)(b) at her home, but, not finding her there, left his business card in her door. At approximately 4:30 PM on September 12, 2018, § 87(2)(b) went to the 111<sup>th</sup> Precinct stationhouse to speak with Det. McCain-John, concerning repeated thefts of packages. § 87(2)(b) was interviewed as a person of interest and left the stationhouse less than an hour later. The circumstances surrounding the interview itself are in dispute.

§ 87(2)(b) (BR 01) said that when she arrived at the stationhouse, Det. McCain-John led her to a windowless interview room on the second floor. Before she entered, Det. McCain-John requested that she leave her cell phone outside the room, which she complied with. § 87(2)(b) sat in the interview room, and Det. McCain-John closed the door and briefly left her alone inside. § 87(2)(b) sensing something was awry, tried to open the door and found that it was locked. She began to bang on the door, and Det. McCain-John opened it. § 87(2)(b) explained that she was concerned that she had been left in a locked room without her cell phone, and Det. McCain-John reassured her that he only needed a few minutes to gather his belongings. He closed the door again.

When he returned, Det. McCain-John questioned § 87(2)(b) regarding her history in the building and her relationships with her neighbors (including § 87(2)(b)). He then asked her, “Would it surprise you to know that there’s more than one person in your building stealing packages?” Following this, he directly accused § 87(2)(b) of being the second thief. § 87(2)(b) asked to call her father. Det. McCain-John said that she could place a call when he had concluded his questioning. She then asked to leave, and Det. McCain-John presented her with two options: confess and receive a “desk warrant,” or deny the allegations and be arrested anyway.

Det. McCain-John displayed evidence, including still images from surveillance footage at the apartment complex, that purported to show § 87(2)(b) stealing packages. § 87(2)(b) denied this allegation, at which point Det. McCain-John proposed that he show her the footage. § 87(2)(b)

§ 87(2)(b) then began shaking and crying, saying out loud, “I’m having an anxiety attack.” Det. McCain John replied, “Well don’t do that.” He then told her that she now had a third option—to go free for the time being, but the case would remain open, and he would come to her home at a future date and arrest her. He returned her phone to her, and allowed her to leave. § 87(2)(b) s entire visit lasted less than an hour and she never heard from Det. McCain-John again.

Det. McCain-John (BR 02) § 87(2)(g)

After being reassigned this case in June 2018, he identified § 87(2)(b) as a suspect (also a resident of § 87(2)(b) s building), who was arrested and charged with petit larceny by Det. John Reinle on August 20, 2018 (BR 03). Based on observations of the surveillance footage he obtained, Det. McCain-John considered § 87(2)(b) to be a “person of interest,” though he had no probable cause to arrest her. On September 3, 2018, Det. McCain-John activated a ‘suspect-only’ I-card for § 87(2)(b) (BR 04).

§ 87(2)(b) s participation in his investigation, and her visit to Det. McCain-John’s office, were both voluntary on her part. Det. McCain-John acknowledged asking § 87(2)(b) to leave her cell phone outside of the interview room, but noted that even he is not permitted to bring his phone inside. He acknowledged displaying still images from the surveillance footage to her. He acknowledged that § 87(2)(b) requested to call a relative at one point, but he reminded her that calls could not be placed from the interview room and asked her to wait until they were finished. Finally, he acknowledged that § 87(2)(b) denied stealing any packages.

Det. McCain-John denied that § 87(2)(b) was ever locked in the interview room, or in it alone. He denied directly accusing her of any criminal activity or threatening to arrest her. There was not any charge under which § 87(2)(b) could have been arrested. He denied that § 87(2)(b) ever stated she was having a panic attack. He did not recall if she ever asked to leave the room. She was, however, free to leave at any time. He did not recall if he conveyed this to her. It was Det. McCain-John’s impression that, because § 87(2)(b) had come to the stationhouse of her own volition, she was willingly participating in his investigation. Following the interview, Det. McCain-John was convinced of § 87(2)(b) s innocence, and closed the investigation that evening, as is documented in his DD5s (BR 05).

When an individual is listed on a “Suspect Only – No Probable Cause to Arrest” Investigation Card (I-card), officers may not forcibly detain said individual and should inform the individual that they are free to leave at any time. Patrol Guide Procedure 208-23 (BR 06).

An officer, acting under the common law right of inquiry, may ask pointed and accusatory questions of an individual when the officer possesses a founded suspicion that criminality is afoot. New York v. Hollman, 79 N.Y.2d 181 (1992) (BR 07).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) have been a party (BR 08).
- Detective Stephen McCain-John has been a member of service for ten years and has been a subject in four prior CCRB complaints with eight allegations, none of which was substantiated. § 87(2)(g) [Redacted]

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) on behalf of § 87(2)(b) filed a Notice of Claim with the City of New York claiming psychological and emotional trauma, severe headaches, and violation of her civil rights, seeking \$1,000,000 as redress (BR 09). There is no 50H hearing scheduled.
- According to the Office of Court Administration, § 87(2)(b) has no criminal conviction history in New York City (BR 10).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date